

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion Not Established by Statute
DOI-BLM-UT-010-2016-0012-CX**

Lake Mountains Protective Fence Extension

May 2016

Location: Township 7 South, Range 1 West, SLM, Section 24 NW¼, Utah County, Utah

Applicant/Address: Not Applicable

Salt Lake Field Office
2370 South Decker Lake Boulevard
West Valley City, Utah 84119
Phone: (801) 977.4300
Fax: (801) 977.4397

Salt Lake Field Office



CATEGORICAL EXCLUSION NOT ESTABLISHED BY STATUTE

A. Background

Office: Salt Lake Field Office

Lease/Serial/Case File No: Not Applicable

Proposed Action Title: Lake Mountains Protective Fence Extension

NEPA Number: DOI-BLM-UT-W010-2016-0012-CX

Location of Proposed Action: Township 7 South, Range 1 West, SLM, Section 24 NW¼ (Map, Attachment 1).

Description of Proposed Action: The Bureau of Land Management's (BLM) Salt Lake Field Office (SLFO) SLFO proposes to extend the existing 4-strand barbed wire fence by approximately ½ mile to protect historic properties and install approximately 13 information signs that are located on the Lake Mountains within Utah County, Utah. The extension would occur for approximately ¼ mile on each end of the existing fence at the edge of the two-track road that generally follows the single pole power line. The fenceline would include metal E-Z panel braces. The signs will occur at regular intervals along the fenceline.

The 4-strand of barbed wire fenceline extension would be approximately 2,640 feet long by 0.5 foot wide by 42 inches high (surface area of 1,320 square feet or 0.03 acre). The standard wire configuration would be at 14 inches, 20 inches and 42 inches from the ground surface. 5-7 foot high "t-posts" would be used at regular intervals. The fence would be constructed along the west edge of the pole-line road at a straight line with periodic E-Z panels braces to make slight turns. The fenceline would not include gates.

Approximately ten (10) signs would be installed that depict historic properties protection messages. Similarly, approximately three (3) signs would be installed that present a "no parking here" message. These signs would be posted onto "c" channel posts.

The "c" channel posts are approximately 7 feet long and 3 inches wide. These posts are pounded into place. After placement, each post is approximately 6 feet tall. Signs would be secured onto to a channel post with nuts and bolts. Each channel post could disturb an area that is 3 inch wide by 1 foot deep (13 holes x 3 inches = 39 square inches or 0.27 square feet surface area). The channel posts will be placed throughout the project area in frequently used locations.

Vehicles used in construction or maintenance activity would not block public access or use along the pole-line road. If members of the public are engaged in the activity at the time of construction, they will be asked to voluntarily leave the area. Their vehicles or equipment will need to be removed so that they are not found on the opposite side of the fence to the location of the pole-line road.

BLM personnel and/or volunteer labor would be used construct the fence. The SLFO and professional archaeologists would conduct monitoring of the historic properties and study the effectiveness of the protection fence. The SLFO would conduct all future fence maintenance activities.

The following protective measures would be applied:

A qualified cultural monitor would be on site during construction/installation activities to ensure that historic properties are avoided and not impacted.

Trash and debris located within the 5 shooting area “allies” would be cleaned up and disposed of in an appropriate landfill.

Trash and debris generated by construction activity would be retrieved and disposed of in an appropriate landfill.

Weed control would follow the annual weed control plan under the standard operating procedures as outlined in the pesticide use plan.

No Parking signs would be placed along the fence line to discourage parking along this portion of the power line access road.

Wildlife specific protective measures would include (Protective Measures for Wildlife Map):

Construction and maintenance staff or volunteers would be instructed not to harass or disturb wildlife.

If construction, maintenance or reclamation activities occur within the migratory bird breeding seasons (raptors: January 1 to August 31 and Neotropical migrant birds: March 1 to July 15), migratory bird surveys should occur within 0.5 mile radius of the Project Area no more than 7-10 days prior to project initiation/reclamation.

- If no migratory birds are found nesting in the Project Area, then project activities may proceed as planned.
- If migratory birds are present and nesting in the Project Area, the following measures must be incorporated during the project construction phase:
 - i. Neotropical bird nests will be flagged and avoided by 100 feet from March 1 to July 15 or until birds have fledged.
 - ii. If occupied, raptor nests will be avoided by the spatial and temporal buffers specified in the Utah U.S. Fish and Wildlife Utah Field Office’s Guidelines for Raptor Protection From Human and Land Use Disturbances (Romin and Muck 2002) or until birds have fledged.

If nests cannot be avoided or if take as defined by the Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act for the golden eagle, is likely to occur, the project proponent must contact the U.S. Fish and Wildlife Service’s Utah Field Office (801.975.3330) or the Migratory Bird Permit Office (303.236.8171) for guidance on appropriate avoidance, minimization, and mitigation measures. Any exceptions to this requirement must have prior written approval from the authorized officer.

Access to the construction site would be limited to the north side, as indicated on the map attached.

Construction of the fenceline should start from the north end and proceed south.

Using the southern access road would be limited and traveling along the road directly under the raptor nest should be avoided by construction crews. These areas are illustrated on the attached wildlife map.

Construction activities would be limited to the time period between two hours after sunrise and two hours before sunset to reduce disturbance to birds during their foraging time.

Noise from the constructions should be minimized.

B. Land Use Plan Conformance

The proposed action is in conformance with the Record of Decision (ROD) for the Pony Express Resource Management Plan (RMP) (January 1990), as amended, even though it is not specifically provided for, because it is consistent with the following RMP decisions and objectives:

Recreation Program Decision 1 (page 40) manages the area as an extensive recreation management area (ERMA).

Recreation Program Decision 2 (page 41) designates off road vehicle use categories

Cultural Resources Decision 1 (page 49) provides for inventory, attaching stipulations, and consultation under NHPA.

Cultural Resources Decision 5 (page 50) educates the public on the values of preserving cultural heritage.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in 516 DM 11.9 G. Transportation 4 (placement of recreational, special designation, or information signs, visitor registers, kiosks, and portable sanitation devices). and J. Other. 9 (construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas).

These categorical exclusions are appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed by an interdisciplinary team (Attachment 2, Categorical Exclusion Review Record), and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply (Attachment 3, Extraordinary Circumstance to Categorical Exclusions).

D: Signature

/s/ Michael Nelson
Authorized Officer

5/11/2016
Date

For additional information concerning this CX review, contact:

Pam Schuller, BLM-Salt Lake Field Office, 801-977-4300

Attachments

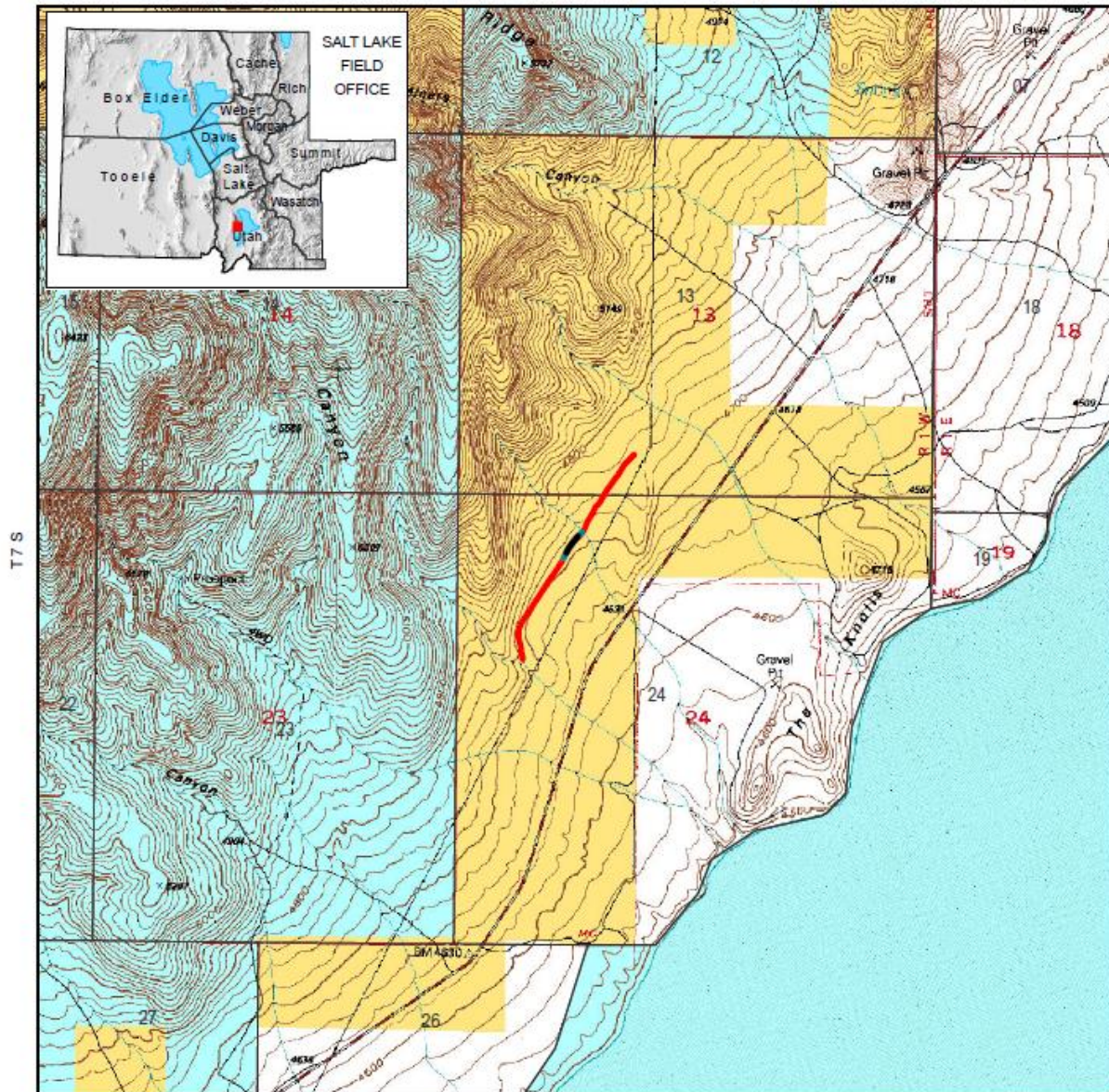
1. Maps
2. Categorical Exclusion Review Record
3. Extraordinary Circumstance to Categorical Exclusions

Attachment 1, Maps

Lake Mountains Protective Fence Extension

R 1 W

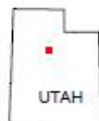
R 1 E



- Proposed Fence Extension (2016)
- Buck-n-Pole Fence (Constructed 2014)
- Extension (Constructed 2015)

Land Status

- Bureau of Land Management
- Private
- State



April 25, 2016

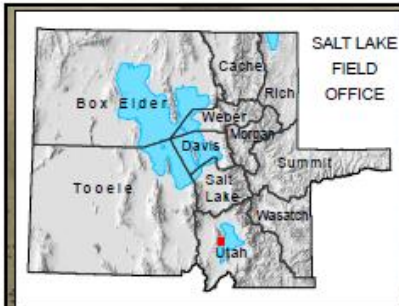
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.



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BUREAU OF LAND MANAGEMENT
WEST DESERT DISTRICT

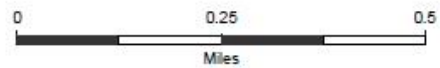
Lake Mountains Protective Fence Extension **Protective Measures for Wildlife** R 1 W



T 7 S



- Road Access**
- Major Access
 - Limit Access
 - No Access
 - Proposed Fence Extension (2016)
- Land Status**
- Bureau of Land Management
 - Private
 - State



May 10, 2016

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.



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Attachment 2, Categorical Exclusion Review Record

Resource	Yes*/No	Assigned Specialist Signature	Date
Air Quality	No	Pamela Schuller	4/22/16
Areas of Critical Environmental Concern	No	Pamela Schuller	4/22/16
Cultural Resources	No	Michael Sheehan	5/4/16
Environmental Justice	No	Pamela Schuller	4/22/16
Farm Lands (prime or unique)	No	Jerry Bullock	4/22/16
Floodplains	No	Pamela Schuller	4/22/16
Invasive Species/Noxious Weeds	No	Jerry Bullock	4/22/16
Migratory Birds	No	Masako Wright	5/10/16
Native American Religious Concerns	No	Pamela Schuller	5/4/16
Threatened, Endangered, or Candidate Species	No	Masako Wright	5/10/16
Wastes (hazardous or solid)	No	Pamela Schuller	4/22/16
Water Quality (drinking/ground)	No	Cassie Mellon	5/6/16
Wetlands / Riparian Zones	No	Cassie Mellon	5/6/16
Wild and Scenic Rivers	No	JuLee Pallette	5/6/16
Wilderness	No	JuLee Pallette	5/6/16
Fire	No	Teresa Rigby	5/6/16
Law Enforcement	No	Tamsen Johnson	5/6/16
Lands/Access	No	Mary Higgins	4/28/16

*Extraordinary Circumstances apply.

/s/ Pamela Schuller
Environmental Coordinator

5/11/16
Date

Attachment 3, Extraordinary Circumstance to Categorical Exclusions Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No ✓	<p>Rationale: The project construction activities could involve volunteer labor. A risk management assessment would be prepared. SLFO personnel and volunteers would receive a planned safety message. Appropriate personal protective equipment would be utilized. Vehicles belonging to the volunteers would be stationed at safe locations and individuals or equipment would not be crossing Highway 68. Vehicles used in construction and maintenance activities would not block access to any other users of the public land. Hazardous materials would not be utilized. The fence including its posts, panels and braces, would be constructed/installed following BLM's Fence Handbook (July 1988). Efforts to notify or direct travelers along Highway 68 would not be required.</p> <p>Equipment used to construct the fenceline/exclosure would be in operating order and would not pose a risk to public in the general area.</p>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	No ✓	<p>Rationale: The project has been reviewed by the appropriate specialists (Attachment 2). There are no ACECs, WSAs, designated wilderness areas, wild and scenic rivers, Monuments or other areas with special designations in the project area. There are no floodplains, wetlands, or unique geologic characteristics or any other ecological significant or critical areas.</p> <p>A red-tailed hawk pair is nesting within 0.5 miles of the project area. Red-tailed hawk is protected by the Migratory Bird Treaty Act (MBTA). The protective measures are required for this project in order to comply with the MBTA. This protection includes preventing any Federal prohibition under the MBTA to occur as a result of BLM activities BLM. These wildlife measures have been identified as "best management practices" by wildlife biologists with the USFWS and BLM.</p>

		<p>The MBTA makes it unlawful to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." (16 U.S.C. 703). USFWS's rules define "take" for MBTA purpose to mean to "pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect" (50 C.F.R. 10.12).</p> <p>Protective measures for migratory birds and nesting raptors would be applied as identified in the project's description. A wildlife monitor could be located on-site during construction activity. SLFO consulted with the USFWS in the management of nesting raptors and migratory birds located within or in close proximity to the project area. Construction activities are located out of sight of the nest location. Vehicle access would need to be from the north end of the fenceline. Using the southern access road would be limited and traveling along the road directly under the raptor nest should be avoided by construction crews. These areas are illustrated on the attached wildlife map.</p>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No ✓	<p>Rationale: Similar fencing to protect resources in the Field Office area have been completed without controversy. Public interest from target shooting and cultural resources communities remains high within the Lake Mountains area. This project was posted to the NEPA Register on 4/26/2016. Concerns or comments from the public were not brought to the SLFO's attention.</p>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No ✓	<p>Rationale: The project will not have highly uncertain and potentially significant environmental effects nor involve unique or unknown environmental risks. Constructing fences are routine actions on the public lands. Fencing is an effective tool. Trash and debris generated by construction activity would be retrieved and disposed of in an appropriate landfill. No parking signs would be placed along the fence line to deter target shooters from parking and siting in this location and to allow free and continued access along the power line access road.</p>
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No ✓	<p>Rationale: This fence is similar to other projects that have been authorized on public land. It would not set a precedent nor would it represent a decision in principle about future actions with potentially significant environmental effects.</p> <p>The use of a will assist in managing public use of the area.</p>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		

Yes	No ✓	<p>Rationale: The project would cover a small surface area (1,320.27 square feet). Extending the fence is necessary to manage users who have come to the area including those that used the SITLA land that has now been closed to public access. Cumulative impacts associated with possible future exclosures are not expected to rise to significant environmental effects.</p> <p>The BLM has previously installed a fenceline (DOI-BLM-UT-W010-2014-0022-CX), implemented a shooting closure (DOI-BLM-UT-W010-2014-0016-DNA); and initiated a Plan Amendment (DOI-BLM-UT-W010-2015-0015-EA).</p> <p>Thresholds are not expected to be exceeded in the management of BLM programs.</p>
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No ✓	<p>Rationale: The undertaking does not have the potential to effect historic properties. The surface area coverage is 1,320.27 square feet. A qualified cultural monitor would be on site during construction/installation activities to ensure that cultural properties are not impacted. Refer also to item 11.</p>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No ✓	<p>Rationale: Listed flora or fauna species or their designated critical habitats are not present within or adjacent to the project area.</p>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No ✓	<p>Rationale: Federal, State, local or tribal laws or requirements for protecting the environment would not be violated with this project. No trees would be removed. Historic Properties would be avoided.</p> <p>Protective measures for migratory birds and nesting raptors would be applied as identified in the project's description.</p>
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No ✓	<p>Rationale: Title VI of the Civil Rights Act and Executive Order 12898 ("Environmental Justice") require federal agencies to identify and address "disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations." In accordance with CEQ Environmental Justice Guidelines, minority populations should be identified and effects to them analyzed, if either of the following two conditions apply: (1) of those likely to be affected by the Proposed Action, 50% or more would be part of the minority populations, and (2) within the project area, the minority population percentage is greater than the minority population percentage outside the project area or in the general population. Neither of these conditions applies to the project area for this effort. Therefore, implementation and potential environmental consequences of the action considered would not disproportionately affect any specific group of people (including any racial, ethnic, or socioeconomic group).</p>

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	No ✓	<p>Rationale: The project is not expected to limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites. There are no known ceremonial lands or sacred sites within the proposed project area.</p> <p>A certified letter was sent on 5/3/2016 to the following Tribes: Confederated Tribes of the Goshute Reservation, Skull Valley Band of the Goshute Tribe, Paiute Tribe, and Ute Indian Tribe. Comments were not received and concerns were not expressed by these Tribes. Refer also to item 7.</p>
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	No ✓	<p>Rationale: Installation activities may cause minor surface disturbances, but the project as a whole is not expected to cause the establishment of invasive or noxious weeds along the fence. The project area would be monitored for noxious weeds by the SLFO. Should noxious weeds appear on these areas, the SLFO would implement appropriate control measures consistent with the requirements contained in Appendix B, Herbicide Use Standard Operating Procedures of the Record of Decision for the Final Vegetation Treatments Using Herbicides Programmatic Environmental Impact Statement (September 2007) and the Decision Record for the Salt Lake District Weed Management Plan environmental assessment (UT-020-96-24). A pesticide use proposal would be submitted and approved by the UTSO prior to any herbicide applications.</p>